



PATENT

Docket No. 16356.431 (DC-01690 )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant:** John W. Notz et al.

**Serial No.:** 09/290,027

**Filed:** April 9, 1999

**FOR:** INTERACTIVE UPSELL ADVISOR  
METHOD AND APPARATUS FOR  
INTERNET APPLICATIONS

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**Group Art:** 2164

**Examiner:** KAZIMI, H.

RECEIVED  
SEP 13 2001  
Technology Center 2100

Commissioner For Patents  
Washington, D.C. 20231

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES  
OR IN A NAFTA OR WTO MEMBER COUNTRY  
TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. § 1.131)**

**PURPOSE OF DECLARATION**

1. This declaration is to establish completion of the invention in this application in the United States at a date prior to September 22, 1998, which is the effective date of the Henson patent cited by the Examiner.
2. The person making this declaration is one of the two co-inventors.

**FACTS AND DOCUMENTARY EVIDENCE**

3. To establish the date of completion of the invention of this application, the following attached documents are submitted as evidence:
  - a. Invention disclosure submitted by my co-inventor, John Notz, 4 pages, electronically signed by Notz on August 28, 1998 and electronically mailed to the Dell Legal Department. Mr. Notz worked for me but is no longer at Dell. (Exhibit A).
  - b. Docket entry in the Dell patent database indicating receipt by the Dell Legal Department of the invention disclosure on August 28, 1998. (See "Received Date" – left edge of page 1 of the disclosure, 6 cm from top.) (Exhibit B)

From these documents it can be seen that the invention in this application was made at least by August 28, 1998, which is a date earlier than the effective date of the reference.

**COMPLETION OF THE INVENTION**

The attached copy of the invention disclosure establishes completion of the invention at least by August 28, 1998 which is prior to the effective date of the reference. See in particular the actual screen capture showing the upsell feature on page 3 of the invention disclosure. Page 2, line 14 of the disclosure also reports that the upsell feature is "Currently running on www.dell.com", the Dell web site. The claimed Interactive Upsell Advisor

Method and Apparatus was in actual commercial use on Dell's public web site at least by August 28, 2001.

### TIME OF PRESENTATION OF THE DECLARATION

This declaration is submitted prior to final rejection.

### DECLARATION

6. As a person signing below:

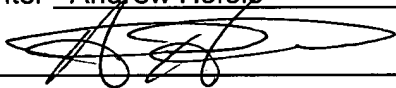
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURE

7. Inventor

Full name of joint inventor Andrew Hefele

Inventor's signature

 9/6/01

Date

9/6/01

Country of Citizenship

U.S. Citizen

Residence

507 Dry Bean Cove, Cedar Park, Texas 78613

Post Office Address

SAME

a-119154.1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, D.C. 20231	
on	<u>9/6/01</u>
Date	
Signature	<u>Dolly Milleson</u>
Typed or Printed name of person signing Certificate	<u>Dolly Milleson</u>